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STATEMENT OF ASIA WATCH ON EAST TIMOR TO THE SPECIAL COMMITTEE ON DECOLONIZATION

August 1989

Thank you, Mr. Chairman, for the opportunity to address this Committee. I would like to emphasize at the outset that Asia Watch, a human rights monitoring organization with offices in New York and Washington, takes no position on the political status of East Timor. Ongoing violations of political and civil liberties there, however, and the poor human rights record of the Indonesian Government more broadly underscore the importance of this Committee's efforts to devise a political solution that will protect the East Timorese people from further abuse. I hope that our information can contribute to those efforts.

Section IV of the Working Paper on East Timor (A/AC.109/1001, July 27, 1989) prepared for this Committee is unfortunately misleading in its portrayal of the human rights situation. It notes, for example, that "there were no substantiated reports of killings for political reasons in 1988." That sentence is taken verbatim from the Indonesia entry in the United States State Department's Country Reports on Human Rights Practices for 1988 (p.809). The next sentence in that entry refers to reports of the killing of two members of the civilian militia in East Timor in February 1988. Those reports may be unsubstantiated, but this Committee is well aware of the obstructions the Indonesian Government has placed on independent investigations of such killings. The Working Paper unfortunately leaves the impression that no deaths occurred.

Moreover, several credible reports of political killings have emerged since the end of the period covered by the State Department report. In a letter he wrote on February 16, 1989 to the Papal Nuncio in Jakarta, Msgr. Carlos Felipe Ximenes Belo, Apostolic

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Administrator of Dili and Titular Bishop of Lorium, reported that two young men had been publicly executed by members of Battalion 726 of the Indonesian army in Laclutar. Carlos Mendes da Silva, 22, and Luis da Cruz, 20 were shot, according to Msgr. Belo, on October 31, 1988 in front of 15 people. Shortly thereafter, on November 5, he maintained, a local resident was ordered to announce that the killings had been carried out by Fretilin. Asia Watch has not been able to confirm the report independently, but we believe it is sufficently serious to warrant a thorough investigation.

Mass arrests, accompanied by a complete disregard for the rights of detainees guaranteed by international and Indonesian law, have taken place in East Timor since Asia Watch appeared before this Committee in August 1988. Indonesian security forces arrested hundreds of people in Dili between October 26 and November 21, 1988 in connection with an official visit by Indonesian President Suharto. The number detained throughout the territory may have been in the thousands, according to Western press accounts. Eight people belonging to a religious sect called Yayasan Santo Antonio, some of whose members reportedly threatened President Suharto, were eventually tried in February and March 1989 and given short sentences. (The aim of the sect was reportedly to defend the Catholic faith against inroads by Islam and Protestantism since the Indonesian invasion in 1975.) Several dozen people were reportedly held for several months without trial and then released. Hundreds more appear to have been released after having been briefly detained for questioning.

But the brevity of detention or the short sentences of those tried do not necessarily reflect a concern for human rights. In a pastoral note issued on December 5, 1988, Msgr. Belo said that some of those arrested had been "struck, beaten and tortured." The sheer scale of arrests, moreover, suggests an arbitrariness and disregard for the Criminal Procedure Code's stipulation that "strong grounds" (dugaan keras) must exist that a crime has taken place, backed by sufficient evidence, before a person can be arrested.

In April, May and June 1989, at least 78 people are reported to have been arrested on suspicion of having links to Fretilin or of supporting a request from Msgr. Belo in February 1989 to the Secretary-General of the United Nations to take a more active role in promoting a referendum on self-determination in East Timor. The arrests reportedly took place in Lospalos, Manatuto, Baucau, Laclubar, Ainaro and Dili and elsewhere in the territory.

Although no independent investigation has taken place into the réasons for the arrests or the treatment of those detained, there is strong reason to believe that neither international standards nor the safeguards contained in Indonesia's own Criminal Procedure Code were observed. For example, several

sources reported independently on the arrest of Manuel Fatima de Jesus Gutteres, who was taken from his home in Dili by four military officers on the evening of May 25, 1989. He is believed to have been suspected of supplying Fretilin through a store he owned in Venilale. His wife reportedly was not told where he was being taken and was not allowed to see him in the period immediately following his detention. Arrest by military officers rather than the police and failure to inform the family of his whereabouts would both be in violation of the Criminal Procedure Code. It is unlikely that any of those arrested had access to counsel, as the only lawyers known to have served as defense counsel to detainees in East Timor are court-appointed and flown to Dili from the Indonesian province of West Timor. Without lawyers and without immediate access to the detainee of friends or family members, there are no safeguards against mistreatment and various forms of physical abuse, particularly during interrogation. The risk of torture in East Timor has always been greater in detention centers outside Dili, and the fact that so many prisoners have been arrested in outlying districts is cause for concern. It should be noted that the International Committee of the Red Cross has regular access only to East Timorese detained in Dili and Jakarta.

Indonesian treatment of the outspoken Msgr. Belo provides a glimpse into the nature of restrictions on freedom of expression. His letter to the United Nations produced sharp reprimands from Indonesian officials, including a statement from the Minister of Political and Security Affairs that it was wrong of Msgr. Belo to have reported such matters "to a foreigner." Since news of the letter surfaced, all mail from and to him apparently has been stopped. The Indonesian press (Editor, July 1, 1989) reported interrogations of East Timorese students in Bali who apparently had expressed sympathy with Msgr. Belo's letter to the United Nations. One student, Elias Pereira Moniz, about 29, is reported to have been arrested in Bali on the morning of June 8.

The treatment of East Timorese falls into a broader pattern of human rights violations by the Indonesian authorities. The Secretariat's Working Paper on East Timor tacitly acknowledges the importance of looking at Indonesia's human rights record more generally -- rather than just looking at its record in the territory -- by quoting the section in the State Department's Indonesia entry which refers to the mixed human rights performance of Indonesia as a whole (p. 5 of the working paper; p.809 in Country Reports on Human Rights Practices for 1988.)

If the authors of the Working Paper find the State Department's references in the Indonesia entry to frequent abuse of prisoners, significant restrictions on freedom of expression and of movement, and pervasive political controls relevant to East Timor, as well they should, they should turn to the same source for information on the persecution of non-violent critics

of the government, disregard for safeguards on arbitrary arrest and detention contained in Indonesia's Criminal Procedure Code, lack of independence of the judiciary, the pervasive corruption of the legal system, inability of people detained on "security" grounds to get a fair trial, the use of surveillance by security forces as a means of intimidation, intolerance of direct criticism of Indonesia's top leaders, and significant restrictions on freedom of association and assembly. Indonesia routinely violates the rights of its citizens; there is certainly no reason to believe that the East Timorese fare better than the average Javanese.

Mr. Chairman, the human rights situation in East Timor has gone through several phases. The early years of the invasion were marked by killings on an almost unimaginable scale; in the early 1980's, periods of relative quiet would alternate with military offensives that brought in their wake deaths of non-combatants, disappearances that are still unresolved, torture and mass arrests. Since 1985, one can note "improvement" only in relation to the grisly record of the previous decade. But judged by any objective human rights standard, such as the International Covenant on Civil and Political Rights, the failure of the Indonesian government to protect fundamental rights in East Timor becomes obvious. Asia Watch urges the Committee to take that fact into its deliberations on the future status of the territory. Thank you, Mr. Chairman.